

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARLON WALDEMAR CARDONA LOPEZ
a/k/a CARDONA LOPEZ, *on behalf of herself, FLSA
Collective Plaintiffs and the Class,*

Plaintiff,

v.

CHELSEA MARKET DELI LLC
d/b/a FRIEDMAN'S
PHILLIPS 35 INC.
d/b/a FRIEDMAN'S
FRIEDMAN'S 31ST STREET LLC
d/b/a FRIEDMAN'S
FRIEDMAN'S 47TH LLC
d/b/a FRIEDMAN'S
PAG 72ND STREET INC
d/b/a FRIEDMAN'S
JONAH'S PASTRAMI LLC
d/b/a FRIEDMAN'S
FRIEDMAN'S ON GRAND LLC
d/b/a FRIEDMAN'S
JONAH PHILLIPS, and
ALAN PHILLIPS,
Defendants.

Case No.: 1:23-cv-03996

~~PROPOSED~~
RULE 68 JUDGMENT

WHEREAS, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants CHELSEA MARKET DELI LLC, d/b/a FRIEDMAN'S, PHILLIPS 35 INC. d/b/a FRIEDMAN'S, FRIEDMAN'S 31ST STREET LLC, d/b/a FRIEDMAN'S, FRIEDMAN'S 47TH LLC, d/b/a FRIEDMAN'S, PAG 72ND STREET INC, d/b/a FRIEDMAN'S, JONAH'S PASTRAMI LLC, d/b/a FRIEDMAN'S, FRIEDMAN'S ON GRAND LLC, d/b/a FRIEDMAN'S and JONAH PHILLIPS, and ALAN PHILLIPS (collectively "Defendants"), having offered to allow Plaintiff MARLON WALDEMAR CARDONA LOPEZ a/k/a CARDONA LOPEZ ("Plaintiff") to take a judgment against them, in the sum of Seven Thousand Five Hundred and No Cents (\$7,500.00), to resolve all of Plaintiff's individual claims against Defendants in his Complaint in the above

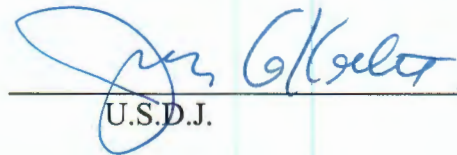
captioned action, in accordance with the terms and conditions of Defendants' Rule 68 Offer of Judgment dated August 28, 2023 and filed as Exhibit A to Docket Number 11;

WHEREAS, on August 31, 2023, Plaintiff's attorney having confirmed Plaintiff's acceptance of Defendants' Offer of Judgment (Dkt. No. 11);

It is **ORDERED, ADJUDGED, AND DECREED**, that judgment is entered in favor of Plaintiff MARLON WALDEMAR CARDONA LOPEZ a/k/a CARDONA LOPEZ, in the sum of \$7,500.00, in accordance with the terms and conditions of Defendants' Rule 68 Offer of Judgment dated August 28, 2023 and filed as Exhibit A to Docket Number 11. The Clerk of Court is respectfully directed to close this case.

SO ORDERED:

Dated: 9/3, 2023
New York, New York



U.S.D.J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARLON WALDEMAR CARDONA LOPEZ
a/k/a CARDONA LOPEZ, *on behalf of himself, FLSA
Collective Plaintiffs and the Class,*

Plaintiff,

v.

CHELSEA MARKET DELI LLC
d/b/a FRIEDMAN'S
PHILLIPS 35 INC.
d/b/a FRIEDMAN'S
FRIEDMAN'S 31ST STREET LLC
d/b/a FRIEDMAN'S
FRIEDMAN'S 47TH LLC
d/b/a FRIEDMAN'S
PAG 72ND STREET INC
d/b/a FRIEDMAN'S
JONAH'S PASTRAMI LLC
d/b/a FRIEDMAN'S
FRIEDMAN'S ON GRAND LLC
d/b/a FRIEDMAN'S
JONAH PHILLIPS, and
ALAN PHILLIPS,
Defendants.

Case No.: 1:23-cv-03996

**NOTICE OF
ACCEPTANCE
OF OFFER OF JUDGMENT**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff MARLON WALDEMAR CARDONA LOPEZ a/k/a CARDONA LOPEZ hereby accepts and provides notice that he has accepted Defendants' Offer of Judgment dated August 28, 2023, and annexed hereto as **Exhibit A**. For the avoidance of doubt, no class claims are released herein.

Dated: August 30, 2023

Respectfully submitted,

By:



C.K. Lee, Esq. (CL 4086)
LEE LITIGATION GROUP, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel.: (212) 465-1188
Fax: (212) 465-1181
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2023, I caused service of Plaintiff's Notice of Acceptance of Offer of Judgment to be served, via electronic mail, upon Defendants' counsel of record in this matter:

Andrew Hoffmann, Esq.
HOFFMAN & ASSOCIATES, P.C.
Attorneys for Defendants
450 Seventh Avenue, Suite 1400
New York, New York 10123
Telephone: (212) 679-0400
Andrew.hoffmann@hoffmannlegal.com

By: 
C.K. Lee, Esq.

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARLON WALDEMAR CARDONA LOPEZ
a/k/a CARDONA LOPEZ, *on behalf of himself,*
FLSA Collective Plaintiffs and the Class,

Plaintiff,

v.

CHELSEA MARKET DELI LLC
d/b/a FRIEDMAN'S
PHILLIPS 35 INC.
d/b/a FRIEDMAN'S
FRIEDMAN'S 31ST STREET LLC
d/b/a FRIEDMAN'S
FRIEDMAN'S 47TH LLC
d/b/a FRIEDMAN'S
PAG 72ND STREET INC
d/b/a FRIEDMAN'S
JONAH'S PASTRAMI LLC
d/b/a FRIEDMAN'S
FRIEDMAN'S ON GRAND LLC
d/b/a FRIEDMAN'S
JONAH PHILLIPS, and
ALAN PHILLIPS,
Defendants.

Case No.: 1:23-cv-03996

OFFER OF JUDGMENT

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant CHELSEA MARKET DELI LLC, d/b/a FRIEDMAN'S, PHILLIPS 35 INC. d/b/a FRIEDMAN'S, FRIEDMAN'S 31ST STREET LLC, d/b/a FRIEDMAN'S, FRIEDMAN'S 47TH LLC, d/b/a FRIEDMAN'S, PAG 72ND STREET INC, d/b/a FRIEDMAN'S, JONAH'S PASTRAMI LLC, d/b/a FRIEDMAN'S, FRIEDMAN'S ON GRAND LLC, d/b/a FRIEDMAN'S and JONAH PHILLIPS, and ALAN PHILLIPS (collectively, "Defendants") hereby offer to allow judgment to be taken against them, and in favor of MARLON WALDEMAR CARDONA LOPEZ a/k/a CARDONA LOPEZ ("Plaintiff"), in the sum of Seven Thousand Five Hundred Dollars and No

Cents (\$7,500.00) ("Judgement Amount"), to resolve all of Plaintiff's individual claims against Defendants. For the avoidance of doubt, no class claims are released herein.

Payment on the Judgment Amount shall be funded on or before August 10, 2023. In the event of any late payment, Defendants shall be liable for a late payment penalty of 10%, compounded monthly (or the highest interest rate allowed by law in the Southern District of New York), accruing automatically on any outstanding balance and no notice from Plaintiff shall be required.

This Offer of Judgment is made for the purposes specified in Federal Rule of Civil Procedure 68, and neither this Offer of Judgment nor any judgment that may result from this Offer of Judgment shall be construed as either an admission of liability on the part of Defendants, or any of them, or that Plaintiff has suffered any damages.

This Offer of Judgment is made pursuant to the provisions of Rule 68 of the Federal Rules of Civil Procedure, and shall be deemed withdrawn unless Plaintiff serves written notice of his acceptance within fourteen (14) days of the date on which this Offer of Judgment was served. Any evidence of this Offer of Judgment shall be inadmissible except as provided in Rule 68 of the Federal Rules of Civil Procedure.

Dated: New York, New York
August 28, 2023

HOFFMAN & ASSOCIATES, P.C.



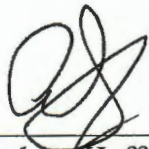
Andrew Hoffmann, Esq.
450 Seventh Avenue, Suite 1400
New York, New York 10123
Telephone: (212) 679-0400
Andrew.hoffmann@hoffmannlegal.com
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 28th, 2023, I caused Defendants' Offer of Judgment to be served, via electronic mail, upon Plaintiff's counsel of record in this matter:

C.K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
cklee@leelitigation.com

By: _____


Andrew Hoffmann, Esq.